

Land Use Application for a Development Code Text Amendment

Date: May 2020
Revised June 2020

Submitted to: City of Tualatin
18800 SW Martinazzi Avenue
Tualatin, OR 97062

Applicants: Venture Properties, Inc. Lennar Northwest, Inc.
4230 Galewood Street 11807 NE 99th Street
Suite 100 Suite 1170
Lake Oswego, OR 97035 Vancouver, WA 98682

AKS Job Number: 7454/7598



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Applicants:	Venture Properties, Inc. 4230 Galewood Street Suite 100 Lake Oswego, OR 97035	Lennar Northwest, Inc. 11807 NE 99 th Street Suite 1170 Vancouver, WA 98682
Property Owners:	Tax Lots 400, 401, 500, 501, 600, 800, and 900: Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034	
	Tax Lot 100: P3 Properties LLC PO Box 691 White Salmon, WA 98672	
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062	
	Contact:	Mimi Doukas, AICP, RLA
	Email:	mimid@aks-eng.com
	Phone:	(503) 563-6151
Site Location:	South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane, Tualatin, OR	
Washington County Assessor’s Map:	Map 2S 1 35D, Tax Lots 100, 400, 401, 500, 501, 600, 800, and 900.	
Site Size:	A development code amendment affecting eight lots totaling ±61.96 acres: ±23.93 acres (Lot 100), ±4.17 acres (Lots 500 and 501) and ±33.86 acres (Lots 400, 401, 600, 800, and 900).	
Land Use District:	Medium-Low Density Residential (RML)	

I. Executive Summary

Lennar Northwest, Inc. and Venture Properties, Inc. (Applicants) are submitting this application for a Text Amendment to the Tualatin Development Code (TDC) to allow as a permitted use within the Medium-Low Density Residential (RML) zone of the Basalt Creek Planning Area (BCPA) projects over 15 acres containing single-family detached homes on lots averaging 3,000 square feet. This amendment will create a provision for single-family housing that meets the density requirements adopted within the Basalt Creek Concept Plan for the BCPA without adjusting the target densities for the RML District. The full language of the draft Text Amendment is included in Exhibit B.

This amendment will affect approximately 62 acres comprised of Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002, and Tax Lot 100, currently within unincorporated Washington County but inside the City of Tualatin Urban Growth Boundary (UGB). Tax Lot 100 is zoned Future Development 20-Acre (FD-20) and will be zoned RML upon its annexation to the City of Tualatin. To provide needed housing, the applicants plan to submit residential subdivision applications in the future for these properties.

While the TDC permits only attached housing units of apartments, duplexes, and triplexes, and for-sale townhomes in the RML zone, the allowed density range of 8-10 dwelling units per net acre is ideal for small-lot, single-family development, especially in large developments with varied lots and land uses. The City currently offers a Small Lot Subdivision process through a Conditional Use Permit; however, this process is highly discretionary, is of limited use since it is only permitted for tree preservation (per TDC 35.410.1.b), and the development standards do not allow lot variability.

Lot size averaging throughout a subdivision allows more diversity in lot size and housing style to meet the varied needs of homebuyers and give neighborhoods character. The current Small Lot Subdivision development standards do not allow for lot size averaging and instead require a minimum lot size of 4,500 square feet, effectively preventing developments from meeting the maximum allowed density (at 10 units per acre, lots will average to 4,356 square feet). Further, these standards allow only 45 percent building coverage, do not allow for lot widths under 50 feet or 30 feet on a cul-de-sac bulb, and require greater corner setbacks from both street-facing lot lines of corner lots. Wide lots, as required by the Small Lot Subdivision code, increase lot costs with little benefit for the homebuyer. Small-lot subdivisions also typically require greater building coverage in order to accommodate single-family detached houses.

According to the City's 2019 Housing Needs Analysis (HNA), the City of Tualatin currently provides a healthy mix of single-family and multi-family housing, with a stock of approximately 53 percent single-family detached and 41 percent multi-family units. Notably, the City's HNA demonstrates that the City provides a larger share of multi-family housing than Washington County and the Portland region as a whole and more single-family attached housing than the regional average. Only six percent of housing stock within the City is provided as single-family attached housing. Attached housing has been viewed as a more affordable option for home ownership; however, small-lot detached homes can reach the same price range as attached homes and are in greater demand by the market.

For RML zoning to be effective, a mixture of feasible housing alternatives must be provided. Broadening the RML zone to include small-lot single-family homes will provide a viable medium-density alternative with lower home prices. Attached housing projects perform better on smaller development sites adjacent

to urban services. The two projects planned by the applicants in the BCPA contain approximately 58 acres of RML land which could accommodate 329 to 412 dwelling units at current densities. This scale of townhouse project cannot be found even in light rail districts around the Metro region and the applicant's project areas are not served by walkable services that are desired by attached housing buyers.

The proposed text amendment maintains the existing allowed uses and overall project densities established in the RML zone while allowing for lot-size averaging, opening opportunities for small-lot single-family homes on large project sites, as well as amenities such as shared open space. The proposed amendments contribute to the flexibility and variety of housing available within the City while meeting the city's projected housing density needs and avoiding repeated lots and housing types.

The Text Amendment proposed is consistent with relevant goals and policies within the City of Tualatin's Comprehensive Plan and HNA. The proposal satisfies the applicable approval criteria for Text Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The potential project areas affected by this application for a text amendment to the Tualatin Development Code comprises a total of ±61.96 acres located at the southernmost extent of the City's UGB. An area totaling ±33.86 acres, comprised of Tax Lots 400, 401, 600, 800, and 900, has been annexed into the City of Tualatin and is now zoned RML. Lot 100, at ±23.93 acres in size, is located within the UGB and will be designated RML upon its annexation. Lots 500 and 501 are zoned Neighborhood Commercial but are part of the Autumn Sunrise residential project. The potential project sites lie east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the BCPA.

Tax Lots 100, 401, and 900 are currently vacant and undeveloped. Tax Lots 400, 500, 501, 600, and 800 are partially developed with single-family residences. These parcels represent 100 percent of the area affected by these proposed amendments.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE (TUALATIN COMMUNITY PLAN)

Chapter 5 – Residential Planning Growth

TDC 5.010. - Background.

- (1) The most controversial issue discussed during the preparation of the Plan was housing, particularly the issues of housing type and density. Over the last two years, the community has seen extremely rapid apartment growth in the City that has created considerable negative feelings toward additional apartment development. These feelings are related to the community's concern about the esthetic quality of existing apartment development; concern about a large transient population within the City; concern about the effect of apartments on traffic congestion; and a concern about the effect apartment development has on single-family neighborhoods and the general livability of the City.

- (2) Community feelings have coalesced into an increasing demand for fewer multi-family housing units and even demand for a moratorium on additional apartment development. At the same time community concern has increased over the amount and type of apartment construction, interest groups such as the 1000 Friends of Oregon have shown concern for any action that would narrow the housing opportunities available to the region's residents. Statewide Planning Goal 10, the Housing Goal, states that "plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

Response: The proposed change in development code (Exhibit B) will encourage the development of additional housing types within the RML zone that are consistent with neighboring areas and at densities encouraged by the TDC and the City's HNA.

- (3)
- (a) To meet the community's concern for the increasing amount of multi-family housing and to meet the State Housing Goal, the Plan proposes five residential land use categories, one single-family and four multi-family. For background, the following figures show single-family to multi-family proportions in the region as well as the City of Tualatin:

	Single-Family % of Dwelling Units	Multi-Family % of Dwelling Units
Portland Metro Region*		
Existing	72	28
Year 2000	65	35
City of Tualatin		
Existing – Built (City Limits)	55	45
Existing – Potential (City Limits)	40	60
Year 2000 (City Limits and Urban Grown Boundary)	68	32

- (b) It is clearly shown in the above numbers that the City is more than accommodating the region's share of multi-family housing. The long-term objective of the Plan is to produce housing units that meet the regional projections as well as the community's desire for multi-family units that minimize any adverse impacts within the City's single-family neighborhoods. This has been accomplished by reviewing various housing density alternatives and other technical data that are defined in the Phase I—Technical Memoranda. This analysis indicated that the amount of land available for multi-family housing is nearing depletion, and the present amount of land planned and zoned for this type of housing is minimal compared to demand. As evidenced by the regional figures, there will be an increasing need for multi-family residential units because of the national trend toward smaller families, more single-parent families, and the sharply rising costs of new single-family residential construction.
- (4) To accommodate this need for additional multi-family land, the Plan proposes four medium-to-high density housing categories, as follows:

	Plan Density
RML – Residential Medium-Low Density	6-10 dwelling units per acre

Response: The proposed text amendment will permit the opportunity for housing units that meet the City's present and future housing needs at a density appropriate for the location. The

density provisions of the zone remain the same but can now be met with single-family detached homes and related lot development standards.

- (5) The multi-family areas described on the Plan Map referred to in TDC Chapter 9 indicate that, wherever possible, multi-family areas were located close to the City's commercial core area where supporting commercial and transportation services are readily available. The multi-family areas are also located close to the City's arterial and collector street system and have good access to the City's park and open space system.

Response: The Plan Map indicates that the section of the BCPA affected by the proposed text amendment is not located near the City's commercial core area nor is the location particularly near City parks or well-served transit routes. The distance from amenities limits the value of attached and multi-family development at this location, especially when developed to the maximum of 10 dwelling units per acre required by the RML zone. Single-family detached housing, as proposed by this text amendment, is an effective use of this location.

TDC 5.020. - Assumptions.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

Response: The proposed text amendment will help meet the housing needs of existing and future City residents in a way that is functionally compatible with the City's existing housing stock, neighboring developments, and the density goals of the RML District. The proposal aims to amend City code in order to provide additional housing types that are functionally and characteristically similar to neighboring housing developments within the RML District.

- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

Response: The areas of RML-zoned properties affected by the proposed text amendment are not conveniently located near the City's commercial core; they are two miles to Tualatin-Sherwood Road and one mile to Argyle Square, which is an auto-oriented retail center. The project area is located near convenient arterial streets and schools but is not an ideal location for multi-family housing. The proposed text will allow the construction of single-family detached housing that is in character with surrounding RML-zoned properties and maintains the minimum and maximum densities required by TDC Chapter 41.

TDC 5.030. - General Objectives.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.

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- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

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TDC 5.040. - Planning District Objectives.

This section describes the purpose of each residential planning district.

- (2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Response: The text amendment is generally in line with the purpose of the RML zone. While the purpose statement provides for small-lot single-family homes under a conditional use permit, the Applicants propose to make this a permitted use for projects that are larger than 15 acres in the BCPA. Compatibility is a common concern for small lots; the parcels affected by this text amendment would not have significant compatibility concerns. The only edge that is adjacent to existing homes is along Norwood Street, and this frontage is a mix of attached and detached homes as permitted in RML. The text amendment continues to meet the density range outlined in the purpose statement.

Chapter 9 – Plan Map

TDC 9.046. - Area 16 Basalt Creek Planning Area.

The Basalt Creek Planning Area is generally located north of Basalt Creek Parkway, south of Helenius Road and Norwood Road, east of 124th Avenue, and west of I-5. The Basalt Creek Planning Area includes a mix of residential zones at various densities, a small neighborhood commercial node, an employment lands, as further described below.

- (2) An area with the RML (Medium Low Density Residential) Zone is planned south of Norwood Road, east of Boones Ferry Road, and west of I-5. An additional area of RML Zone is also planned east of Grahams Ferry Road between the two above described areas of RL Zone. These areas lends themselves to a slightly higher density than traditional single—family due to the excellent transportation access and the close relationship to the employment centers. The use of the RML Zone in this area provides for the needed higher densities with a Zone that will allow development that is similar in character and density to the RL lands.

Response: This goal aims to accommodate a slightly higher density in the BCPA while respecting the character of the surrounding community. This application proposes to change the development code to permit single-family detached housing as a permitted use at densities consistent with other forms of housing currently permitted within the RML zone and provide appropriate development standards for single-family detached development. The type of development which would be permitted by this text amendment would be even more similar in character and form to development permitted within the adjacent RL lands.

TUALATIN DEVELOPMENT CODE

Chapter 32 – Procedures

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
 - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood /Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070

Response: The applicants have submitted an application for a text amendment to the TDC. The application effectively involves six parcels within the BCPA with project sites over 15 acres. The requested decision affects a limited number of properties and will require public notice and a public hearing.

TDC 32.030. – Time to Process Applications.

Time Limit—120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

Time Periods. "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

Response: The applicant requests that the City come to a decision regarding this Type IV-A land use application within 120 days of deeming the application complete.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended several pre-application conferences with the City of Tualatin to discuss the overall project and this specific text amendment. The required pre-application conference was held with City of Tualatin Staff on January 22, 2020, prior to the application submittal date.

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- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
 - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
 - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on January 22, 2020.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

Response: For this type of application, a Neighborhood/Developer Meeting is required, and was therefore held on June 10, 2020. The application was submitted prior to holding the Neighborhood/Developer Meeting due to the complications of arranging a public meeting during the current public health crisis. With the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings, a meeting was held and these criteria are satisfied.

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- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
- (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

Response: Per the City of Tualatin’s “COVID-19 Public Health Response Temporary Guidance for Neighborhood/Developer Meetings” Procedures 1 and 2, the Applicant has held a Neighborhood/Developer Meeting established on a digital platform (Zoom) that is publicly accessible and does not require a user login or subscription to join the meeting. The digital platform also allowed for a call-only option for non-internet users. The meeting was scheduled for June 10, 2020 at 6:00 p.m., meeting the above weekday scheduling requirements.

- (5) *Notice Requirements.*
- (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

Response: Notice of the Neighborhood/Developer Meeting was mailed first class with a description of the proposal and instructions on how to join the meeting on May 27, 2020. This date was 14 days prior to the virtual meeting, in keeping with TDC and the City’s Virtual Neighborhood/Developer Meeting Procedures. The notice included instructions on how to view materials to be presented during the meeting, preliminary details of the major elements of the proposal, and whether there would be future applications. The meeting materials were available more than two days prior to the meeting and will be available for at least 10 days after the meeting concludes. These requirements have been or will be satisfied.

- (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
- (c) The City will provide the applicant with labels for mailing for a fee.
- (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

Response: The applicant obtained mailing labels from the City of Tualatin. All property owners within 1,000 feet of the text amendment affected property boundaries were provided with

notice, including all property owners within a platted residential subdivision located within 1,000 feet of the boundaries. Additionally, all designated representatives of Byrom CIO (CIO-6) and the City of Tualatin were provided notice electronically. These mailing lists, copies of notices, affidavits of mailing and posting, and emailed copies of notices are included within the attached exhibits. These provisions are met.

- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

Response: Signs conforming to the design and placement standards established by the City were posted on all subject properties May 27, 2020, 14 days prior to the virtual Neighborhood/Developer Meeting.

- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: The required attendee information and meeting notes are attached to this submission. The meeting notes include the required information: major points, issues, and responses concerning the application, including identifying those attending. During the meeting, all submitted questions and comments received prior to or during the meeting were read aloud. These requirements are met.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
- (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the property owners and contract purchasers of all properties affected by the proposed text amendment.

Chapter 33 – Applications and Approval Criteria

TDC 33.070. – Plan Amendments.

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- (1) *Purpose.* To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Community Plan.

Response: The applicants have identified a need for a text amendment to the TDC in order to allow single-family detached housing within a subsection of the BCPA. This area currently only permits the development of single-family attached housing or multi-family developments. This application for a text amendment would permit the construction of single-family detached dwellings at the densities outlined within the Basalt Creek Concept Plan and in accordance with the City’s newly adopted HNA.

- (2) *Applicability.* Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

Response: A pre-application conference with City of Tualatin staff has identified this application for text amendment, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. This application has been submitted by the property owners and their authorized representatives. This criterion is met.

- (3) *Procedure Type.*
- (a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.
 - (b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Response: The applicants request that this quasi-judicial application, which affects a limited number of properties within the BCPA, be subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

- (4) *Specific Submittal Requirements.* An application for a plan map or text amendment must comply with the general submittal requirements in TDC 32.140 (Application Submittal).

Response: The applicants have submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

- (5) *Approval Criteria.*
- (a) Granting the amendment is in the public interest.
 - (b) The public interest is best protected by granting the amendment at this time.

Response: The proposed text amendment would allow RML-zoned properties within the BCPA to develop with single-family detached as well as single-family attached dwellings. The City of Tualatin’s HNA identifies that single-family detached dwellings are needed housing and over 1,000 new dwelling units are required during the period of 2020-2040. Over 400 of these households are forecast to be located within Basalt Creek. The construction of a wide variety of housing types will allow the City to meet its housing goals over the 20-year planning period. Providing needed housing is in the best interests of the public.

Preparing for future needs protects the public interest over the long term. The application meets these criteria.

- (c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Response: The Tualatin Community Plan is incorporated into the TDC as Chapters 1 through 30. The criteria and objectives of the Tualatin Community Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

- (d) The following factors were consciously considered:
 - (i) The various characteristics of the areas in the City;
 - (ii) The suitability of the areas for particular land uses and improvements in the areas;
 - (iii) Trends in land improvement and development;
 - (iv) Property values;
 - (v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;
 - (vi) Natural resources of the City and the protection and conservation of said resources;
 - (vii) Prospective requirements for the development of natural resources in the City;
 - (viii) The public need for healthful, safe, esthetic surroundings and conditions; and
 - (ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Response: The application considers and responds to each of these criteria previously within this application. The application has considered each of the factors and their effect on the proposal. These criteria are met.

- (e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Response: The proposed text amendment involves residential uses. Jim Rose, Chief Operations Officer of the Sherwood School District, stated that since a new high school is under construction and remodels and expansions are underway at three other schools to increase capacity at all levels K-12, this was a good time to absorb enrollment growth. This provision has been satisfied.

- (f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Response: The proposed amendment is consistent with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as it does not seek to change densities within the area in question.

Per OAR 660-007-0005(7), “needed housing” is any housing type which has been determined to meet the need shown for housing within an Urban Growth Boundary at “particular price ranges and rent levels.” This change will help the City fulfill more aspects of its projected needed housing, over 1000 new housing units and 571 new households by 2040, with 443 of those households being within in the Basalt Creek area.

The text amendment, as proposed, is consistent with Oregon Administrative Rule 660-007 (the Metropolitan Housing Rule), as it maintains the opportunity for “at least 50 percent of new residential units to be attached single family housing or multiple family housing.” The proposed amendment does not eliminate the opportunity to construct these housing types, as they are already permitted within the RML zone, nor does it propose to change density targets (currently 10 units per buildable acre) within the UGB per OAR 660-007-0035(2). The text amendment will make meeting these density targets easier within the RML zone.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. Oregon’s Transportation Planning Rule (OAR 660-012-0060) does not apply to this proposal, as this proposal does not functionally increase the effect of development on transportation facilities. The amendment seeks to permit single-family detached dwellings within RML-zoned sites in the BCPA. These sites currently permit single-family attached dwellings, which, according to the Institute of Traffic Engineers, generate the same number of trips as single-family detached homes. Therefore, no material change in possible traffic demand has been proposed. No transportation facilities will be degraded or have their functional classifications changed by this amendment. These criteria have been met.

- (g) **Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.**

Response: The Metropolitan Service District’s Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. Since the proposed amendment does not seek to adjust minimum or maximum densities required by the RML zone, this amendment is consistent. The proposed code changes also do not decrease housing supply or capacity. This criterion is met.

- (h) **Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**
- (i) **Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**
- (j) **The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.**

Response: The proposed text amendment will not alter the transportation needs of the affected parcels in the City’s Transportation System Plan. Density requirements will remain the same for housing types as outlined within TDC 41.220. Applications for future development will be required to provide Traffic Impact Analyses per development code. The proposal is consistent, and these criteria are met.

Chapter 41 – Medium Low Density Residential Zone (RML)

TDC 41.100 - Purpose

The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas.

Response: This proposed change to the Tualatin Development Code will encourage the construction of needed housing to serve the growing industrial and commercial areas of the BCPA and the community of Tualatin.

TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

Table 41-2
Housing Types in the RML Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C	Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410.

Response: The proposed code amendment would allow single-family detached dwellings to be permitted outright and constructed within a limited section of the City’s RML-zoned areas within the BCPA.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application for a text amendment to the Tualatin Development Code.

Exhibit A: Land Use Application



Land Use Application

Project Information

Project Title: **Basalt Creek Text Amendment**

Brief Description:
An application for a text amendment to the Tualatin Development Code to allow single-family detached housing to be developed under Medium-Low Density Residential (RML) zoning within the Basalt Creek Planning Area with project sites over 15 acres in size.

Property Information

Address: **23680, 23740 SW Boones Ferry Rd.; 9185, 9335, 9415 SW Greenhill Ln.**

Assessor's Map Number and Tax Lots: **2S135D, Lots 100, 400, 401, 500, 501, 600, 800, and 900**

Applicant/Primary Contact

Name: **Mimi Doukas, AICP, RLA** Company Name: **AKS Engineering & Forestry, LLC**

Address: **12965 SW Herman Road, Suite 100**

City: **Tualatin** State: **OR** ZIP: **97062**

Phone: **(503) 563-6151** Email: **mimid@aks-eng.com**

Property Owner

Name: **Autumn Sunrise, LLC**

Address: **485 S. State Street**

City: **Lake Oswego** State: **OR** ZIP: **97034**

Phone: **Please contact applicant** Email: **Please contact applicant**

Property Owner's Signature:  Date: **06/27/2020**

(Note: Letter of authorization is required if not signed by owner)

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.

Applicant's Signature:  Date: **6/16/2020**

- Land Use Application Type:**
- Annexation (ANN)
 - Architectural Review (AR)
 - Architectural Review—Single Family (ARSF)
 - Architectural Review—ADU (ARADU)
 - Conditional Use (CUP)
 - Historic Landmark (HIST)
 - Industrial Master Plan (IMP)
 - Plan Map Amendment (PMA)
 - Plan Text Amendment (PTA)
 - Tree Removal/Review (TCP)
 - Minor Architectural Review (MAR)
 - Minor Variance (MVAR)
 - Sign Variance (SVAR)
 - Variance (VAR)

Office Use

Case No:	Date Received:	Received by:
Fee:	Receipt No:	



Land Use Application

Project Information		
Project Title: Basalt Creek Text Amendment		
Brief Description: An application for a text amendment to the Tualatin Development Code to allow single-family detached housing to be developed under Medium-Low Density Residential (RML) zoning within the Basalt Creek Planning Area, east of SW Boones Ferry Road, and with project sites over 20 acres in size.		
Property Information		
Address: 23680, 23740 SW Boones Ferry Rd.; 9335, 9185 SW Greenhill Ln.		
Assessor's Map Number and Tax Lots: 2S135D, Lots 100, 400, 401, 600, 800, and 900		
Applicant/Primary Contact		
Name: Mimi Doukas, AICP, RLA	Company Name: AKS Engineering & Forestry, LLC	
Address: 12965 SW Herman Road, Suite 100		
City: Tualatin	State: OR	ZIP: 97062
Phone: (503) 563-6151	Email: mimid@aks-eng.com	
Property Owner		
Name: PO 1: Autumn Sunrise, LLC	PO 2: Venture Properties, Inc.	
Address: 485 S. State Street, Lake Oswego, OR 97034		4230 SW Galewood St. Suite 100, Lake Oswego OR 97035
City:	State:	ZIP:
Phone: Please contact Applicant's Representative	Email: Please contact Applicant's Representative	
Property Owner's Signature: PO1: <i>Paul Pennington</i> PO2: <i>(Paul Pennington)</i>		Date: 04/15/2020
<small>(Note: Letter of authorization is required if not signed by owner)</small>		
AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.		
Applicant's Signature: <i>Doukas</i>		Date: 6/16/2020

Land Use Application Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN) | <input type="checkbox"/> Historic Landmark (HIST) | <input type="checkbox"/> Minor Architectural Review (MAR) |
| <input type="checkbox"/> Architectural Review (AR) | <input type="checkbox"/> Industrial Master Plan (IMP) | <input type="checkbox"/> Minor Variance (MVAR) |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input type="checkbox"/> Plan Map Amendment (PMA) | <input type="checkbox"/> Sign Variance (SVAR) |
| <input type="checkbox"/> Architectural Review—ADU (ARADU) | <input checked="" type="checkbox"/> Plan Text Amendment (PTA) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Tree Removal/Review (TCP) | |

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

Exhibit B: Proposed Tualatin Development Code Text Amendment

TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

**Table 41-2
Housing Types in the RML Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C/P	Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410. Permitted within the Basalt Creek Planning Area subject to TDC 41.330.
Accessory Dwelling Unit	P	Subject to TDC 34.600.
Duplex		
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

TDC 41.300. - Development Standards.

Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

**Table 41-3
Development Standards in the RML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two.

• Development on More than One Acre	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Townhouse (or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.

MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

TDC 41.330. - Development Standards.

Development standards for Household Living Uses in the RML zone within the Basalt Creek Planning Area are listed in Table 41-4. The standards of TDC 41.330 apply to RML-zoned properties within the Basalt Creek Planning Area with project sites which are greater than 15 acres in size. Additional standards may apply to some uses and situations, see TDC 41.310.

**Table 41-4
Development Standards in the RML Zone within the Basalt Creek Planning Area**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	
Townhouse (or Rowhouse)	14 feet	
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		
• building	10 feet	
• garage	20 feet	
Side Setback	5 feet	
Rear Setback	10 feet	
Street side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	
Townhouse (or Rowhouse)	90%	

Exhibit C: Property Title Information



FIRST AMERICAN TITLE Property Research Report

SUBJECT PROPERTY

R560253, R560262, R560299, R560306, R560315
2S135D00400, 2S135D00401, 2S135D00600, 2S135D00800, 2S135D00900
Washington

OWNER

Autumn Sunrise LLC

DATE PREPARED

03/31/2020

PREPARED BY

bkelner@firstam.com



First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC
CoOwner:
Site: 23620 SW Boones Ferry Rd Tualatin OR 97062
Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560262
Ref Parcel #: 2S135D000401
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type:
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.34924660 / -122.76892857
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 17.55

ASSESSMENT AND TAXATION

Market Land: \$3,880,480.00
Market Impr: \$0.00
Market Special: \$0.00
Market Total: \$3,880,480.00 (2019)
% Improved: 0.00%
Assessed Total: \$644,220.00 (2019)
Levy Code: 88.13
Tax: \$9,971.63 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3	Total SqFt: 1,414 SqFt	Year Built:
Baths, Total: 2.00	First Floor: 1,414 SqFt	Eff Year Built: 1999
Baths, Full:	Second Floor:	Lot Size Ac: 17.55 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 764,478 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material: Comp Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: Forced Air	Attic Total:	Ext Walls: Wood
Building Style:	Garage: Garage 420 SqFt	Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
GRACE COMMUNITY CHURCH	9/28/2007	0000105096		Grant		Conv/Unk
GRACE COMMUNITY CHURCH	6/17/2005	0000069065		Trust	\$4,500,000.00	Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC
CoOwner:
Site: 9335 SW Greenhill Ln Tualatin OR 97062
Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560299
Ref Parcel #: 2S135D000600
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: R1 - Residence Single Family
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.34763348 / -122.77267464
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 2.87

ASSESSMENT AND TAXATION

Market Land: \$638,010.00
Market Impr: \$83,170.00
Market Special: \$0.00
Market Total: \$721,180.00 (2019)
% Improved: 12.00%
Assessed Total: \$297,710.00 (2019)
Levy Code: 88.13
Tax: \$4,608.13 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 2	Total SqFt: 1,548 SqFt	Year Built: 1940
Baths, Total: 2.00	First Floor: 1,548 SqFt	Eff Year Built: 1960
Baths, Full:	Second Floor:	Lot Size Ac: 2.87 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 125,017 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material: Comp Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: Baseboard	Attic Total:	Ext Walls: Siding
Building Style:	Garage: Garage 480 SqFt	Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
ROOT HOLDINGS LLC	9/28/2007	0000105096		Warranty		Conv/Unk
ROOT HOLDINGS LLC	6/17/2005	0000069069	\$1,600,000.00	Warranty		

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Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC
CoOwner:
Site: 9185 SW Greenhill Ln Tualatin OR 97062
Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560306
Ref Parcel #: 2S135D000800
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: R1 - Residence Single Family
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.34764703 / -122.77136150
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 3.75

ASSESSMENT AND TAXATION

Market Land: \$829,050.00
Market Impr: \$46,430.00
Market Special: \$0.00
Market Total: \$875,480.00 (2019)
% Improved: 5.00%
Assessed Total: \$254,740.00 (2019)
Levy Code: 88.13
Tax: \$3,943.04 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3	Total SqFt: 1,178 SqFt	Year Built: 1920
Baths, Total: 1.00	First Floor: 954 SqFt	Eff Year Built: 1960
Baths, Full:	Second Floor: 224 SqFt	Lot Size Ac: 3.75 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 163,350 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin: 224 SqFt	Roof Material: Comp Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: Forced Air	Attic Total: 224 SqFt	Ext Walls: Siding
Building Style:	Garage:	Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	9/28/2007	0000105096				Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC

CoOwner:

Site: OR 97062

Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560315

Ref Parcel #: 2S135D000900

TRS: 02S / 01W / 35 / SE

County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1

Census Tract: 032110 Block: 1004

Neighborhood: Cpo 5 Sherwood-Tualatin S1

School Dist: 88J Sherwood

Impr Type:

Subdiv/Plat: Tualatin Orchard Tract

Land Use: 1900 - Urban Developable Tract - Vacant

Std Land Use: RCON - Condominium, Pud

Zoning: Tualatin-RML - Medium-Low Density Residential

Lat/Lon: 45.34768533 / -122.76930598

Watershed: Abernethy Creek-Willamette River

Legal: TUALATIN ORCHARD TRACT, LOT PT 4, ACRES 6.68

ASSESSMENT AND TAXATION

Market Land: \$1,033,910.00

Market Impr: \$0.00

Market Special: \$0.00

Market Total: \$1,033,910.00 (2019)

% Improved: 0.00%

Assessed Total: \$789,420.00 (2019)

Levy Code: 88.13

Tax: \$12,219.12 (2019)

Millage Rate: 15.4786

Exemption:

Exemption Type:

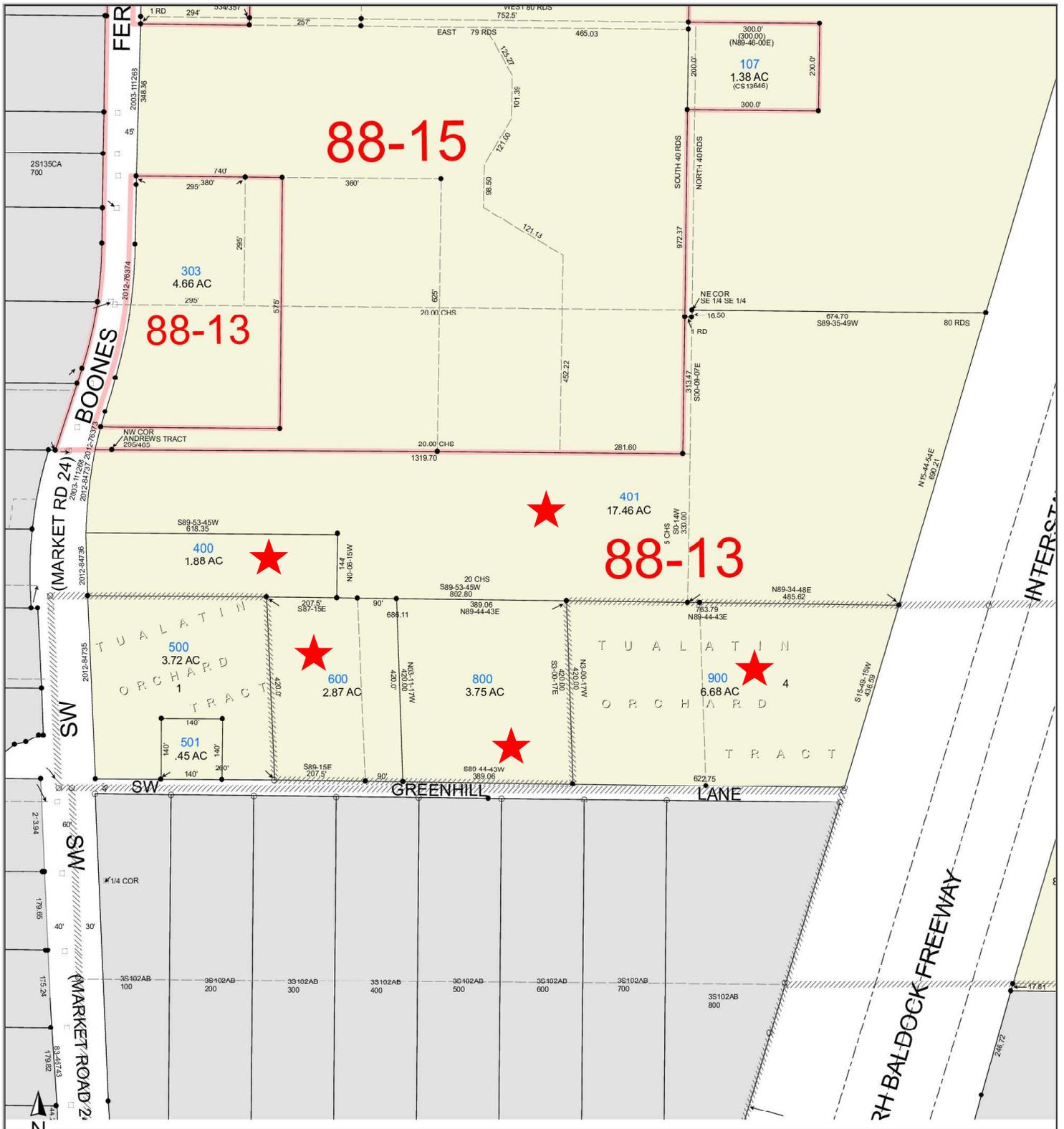
PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 6.68 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 290,981 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
AUTUMN SUNRISE LLC	9/26/2007	2007105096	\$7,143,000.00	DW		
ROOT HOLDINGS LLC	9/19/2005	0000114105	\$1,640,000.00	Grant	\$4,500,000.00	Conv/Unk
WILLEY,ANNIE M	10/7/2004	0000116501		Quit Claim		Conv/Unk

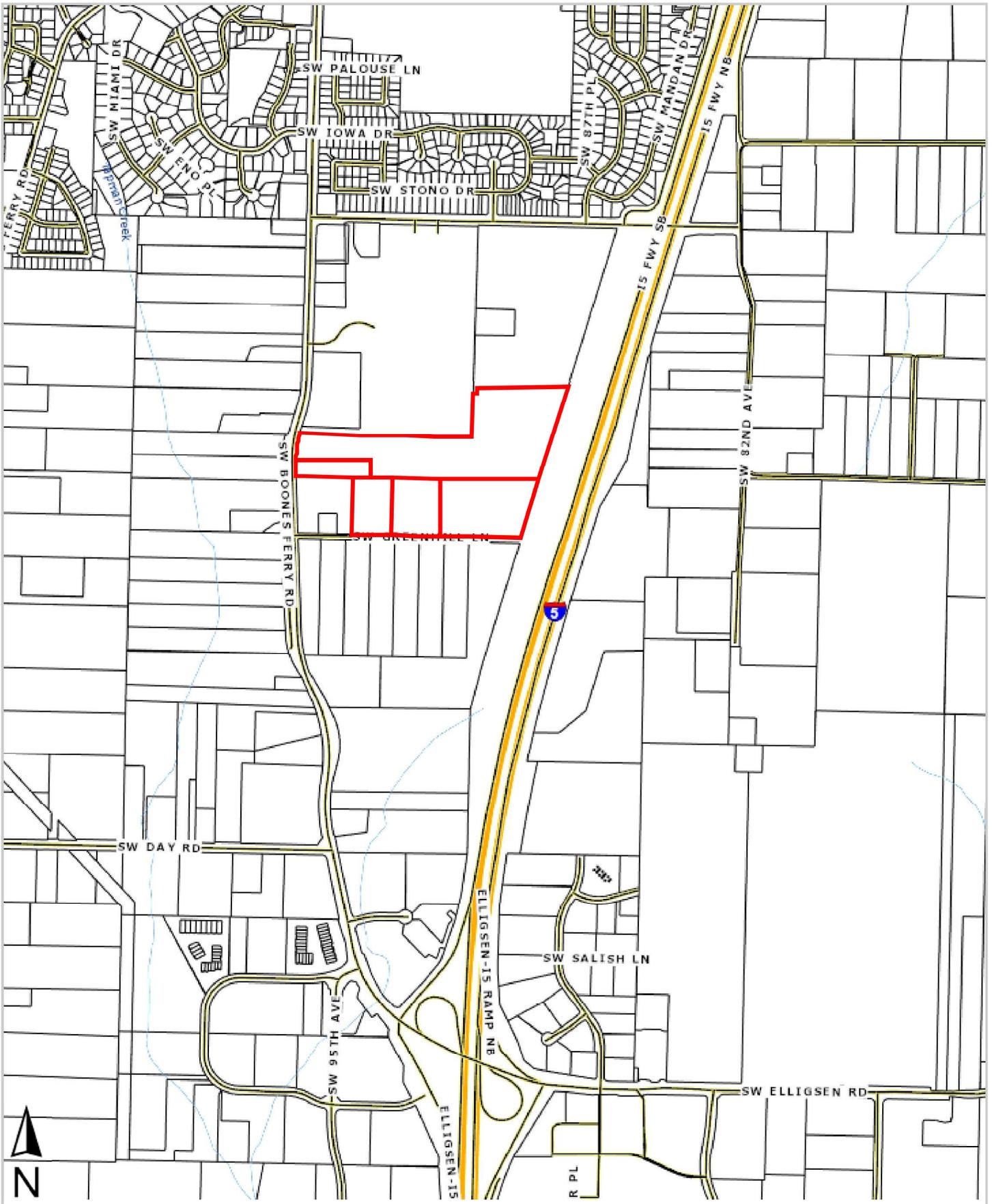
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

ParcelID: R560253
23740 SW Boones Ferry Rd
Tualatin, OR 97062

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



First American Title™

Washington County, Oregon 2007-105096
09/28/2007 03:29:27 PM
D-DW Cnt=1 Stn=16 D HOFFMAN
\$25.00 \$5.00 \$11.00 \$7,143.00 - Total = \$7,184.00



01171368200701050960050056

I, Richard Hobemicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



THIS SPACE RESERVE

After recording return to:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

File No.: 7073-1087491 (LSH)
Date: September 14, 2007

STATUTORY SPECIAL WARRANTY DEED

Kimball Hill Homes Oregon, Inc., an Oregon Corporation, Grantor, conveys and specially warrants to **Autumn Sunrise LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. The **2007/08** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is **\$7,143,000.00**.



WASHINGTON COUNTY	
REAL PROPERTY TRANSFER TAX	
\$ 7143.00	9-28-07
FEE PAID	DATE

2005
41



1087491-LLC

FATCO. NO.

APN: R560253

Statutory Special Warranty Deed
- continued

File No.: 7073-1087491 (LSH)
Date: 09/14/2007

Dated this 26th day of SEPTEMBER, 2007.

Kimball Hill Homes Oregon, Inc., an Oregon corporation


By: Dudley McGee, Vice President

STATE OF California)
)ss.
County of SACRAMENTO)

This instrument was acknowledged before me on this 26th day of SEPTEMBER, 2007 by Dudley McGee as Vice President of Kimball Hill Homes Oregon, Inc., on behalf of the corporation.





Notary Public for California
My commission expires: APRIL 20, 2008

APN: R560253

Statutory Special Warranty Deed
- continued

File No.: 7073-1087491 (LSH)
Date: 09/14/2007

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT A POINT WHICH POINT IS 5 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND RUNNING THENCE SOUTH 5 CHAINS TO A POINT; THENCE WEST 20 CHAINS, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID COUNTY ROAD TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ANNIE C. VOGET IN FEE SIMPLE REMAINDER TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF WASHINGTON COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT SO CONVEYED TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED IN CONTRACT OF SALE IN FAVOR OF ROBERT K. COLE, AND WIFE, RECORDED MARCH 25, 1968 IN BOOK 686, PAGE 495, RECORDS OF WASHINGTON COUNTY.

PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTH ONE-HALF OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED OF RECORDS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, WITH THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED RECORDS. FROM SAID PLACE OF BEGINNING THENCE NORTH 89°53'45" EAST ALONG SAID NORTHERLY LINE OF SAID TRACT DESCRIBED IN BOOK 294, PAGE 585, 1319.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 0°14' WEST 330.00 FEET TO THE NORTHERLY LINE OF TUALATIN ORCHARD TRACT; THENCE SOUTH 89°53'45" WEST ALONG SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 802.80 FEET; THENCE LEAVING SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, NORTH 0°06'15" WEST 144 FEET; THENCE SOUTH 89°53'45" WEST PARALLEL WITH SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 618.35 FEET TO THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 883.87 FEET THROUGH A CENTRAL ANGLE OF 10°55'20" A DISTANCE OF 169.44 FEET TO A POINT OF TANGENT; THENCE NORTH 17°16' EAST 251.58 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217, NORTH 89°53'45" EAST 60.42 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A PORTION OF PARCEL 1 OF THOSE CERTAIN TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON CONVEYED TO GRACE COMMUNITY CHURCH OF THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED AS DOCUMENT NUMBER 200155727 WASHINGTON COUNTY, OREGON DEED RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GRACE COMMUNITY CHURCH BY DEED RECORDED AS DOCUMENT NUMBER 2002004397 SAID DEED RECORDS AND RUNNING THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, NORTH 89°34'48" EAST 485.62 FEET, NORTH 15°44'54" EAST 690.21 FEET, SOUTH 89°35'49" WEST 674.70 FEET SOUTH 00°09'07" EAST 16.50 FEET AND SOUTH 89°38'49" WEST 16.50 FEET; THENCE SOUTH 00°09'07" EAST 313.47 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NUMBER 2002004397; THENCE ALONG THE BOUNDARY THEREOF NORTH 89°36'05" EAST 16.50 FEET AND SOUTH 00°08'37" EAST 313.16 FEET TO THE POINT OF BEGINNING.

PARCEL III:

LOT 1, TUALATIN ORCHARDS TRACT, EXCEPTING THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL IV:

THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET OF LOT 1, TUALATIN ORCHARD TRACTS, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL V:

THE WESTERLY MOST 207.5 FEET, BEING A PORTION OF THAT CERTAIN TRACT OF LAND LOCATED IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CONVEYED BY GRACE SCHUSTER TO JOHN DAY AND JESSIE DAY, UNDER DATE OF APRIL 20, 1949, AS SET FORTH IN DEED RECORDED IN BOOK 294 AT PAGE 446, DEED RECORDS, SAID TRACT SO CONVEYED, OF WHICH THE LAND HEREBY CONVEYED FORMS A PART, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 233 FEET; THENCE NORTH 87°15' WEST 1255.52 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREBY CONVEYED; THENCE NORTH 420 FEET ALONG THE WEST LINE OF LOT 4, TUALATIN ORCHARD TRACTS, TO THE SOUTH LINE OF TRACT CONVEYED BY DEED TO GEORGE ANDREWS, ET AL, IN BOOK 70, PAGE 374, RECORDED DECEMBER 27, 1905; THENCE NORTH 87°15' WEST 990.32 FEET ALONG THE SOUTH LINE OF SAID ANDREWS TRACT; THENCE SOUTH 420 FEET ALONG THE EAST LINE OF LOT 1, TUALATIN ORCHARDS TRACTS; THENCE SOUTH 87°15' EAST 990.32 FEET TO THE SOUTHEAST CORNER OF PROPERTY HEREBY CONVEYED.

PARCEL VI:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, TUALATIN ORCHARD TRACTS, A DULY RECORDED SUBDIVISION IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE SOUTH 87°15' EAST 207.5 FEET TO THE POINT OF TRUE BEGINNING OF THIS DIRECTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, TUALATIN ORCHARD TRACTS, AND 207.5 FEET EASTERLY THEREFROM 420.0 FEET TO A POINT; THENCE SOUTH 87°15' EAST 90 FEET TO A POINT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, 420.0 FEET; THENCE NORTH 87°15' WEST 90 FEET TO THE POINT OF TRUE BEGINNING OF THIS DESCRIPTION.

PARCEL VII:

APN: R560253

Statutory Special Warranty Deed
- continued

File No.: 7073-1087491 (LSH)
Date: 09/14/2007

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°00'17" EAST 420.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE SOUTH 89°44'43" WEST 389.06 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET; THENCE NORTH 89°44'43" EAST 389.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL VIII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°44'43" EAST 763.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE BALDOCK FREEWAY; THENCE SOUTH 15°49'15" WEST 436.59 FEET ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY SOUTH 89°44'43" WEST 622.75 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET TO THE TRUE POINT OF BEGINNING.

A large, stylized graphic of an eagle's wings and tail feathers, rendered in a light blue color, serves as the background for the top half of the page. The eagle is facing right, with its wings spread wide.

FIRST AMERICAN TITLE Property Research Report

SUBJECT PROPERTY

R560164
2S135D000100
Washington

OWNER

P3 Properties LLC
By Paul Pennington

DATE PREPARED

04/02/2020

PREPARED BY

samaya@firstam.com



First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 4/2/2020

OWNERSHIP INFORMATION

Owner: P3 Properties LLC
CoOwner: By Paul Pennington
Site: OR 97062
Mail: PO Box 691 White Salmon WA 98672

Parcel #: R560164
Ref Parcel #: 2S135D000100
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type:
Subdiv/Plat:
Land Use: 6404 - Designated Forestland - Vacant - Rural Residential
Std Land Use: OTHR - Other
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.35193877 / -122.76768864
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 25.18, FORESTLAND-POTENTIAL
ADDITIONAL TAX LIABILITY

ASSESSMENT AND TAXATION

Market Land: \$0.00
Market Impr: \$0.00
Market Special: \$1,948,650.00
Market Total: \$1,948,650.00 (2019)
% Improved: 0.00%
Assessed Total: \$12,050.00 (2019)
Levy Code: 88.13
Tax: \$186.50 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 25.18 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 1,096,841 SqFt
Total Units: 1	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
P3 PROPERTIES LLC	2/25/2015	0000012686		Grant		Conv/Unk
PENNINGTON,PAUL	8/19/2013	0000075740		Quit Claim		
PENNINGTON,PAUL	7/11/2013	0000063209		Quit Claim		
PENNINGTON,DORTHEA	1/8/2013	0000001861		Trust	\$135,000.00	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

SEE MAP
2S | 35AC

SEE MAP
2S | 35AD

SW 69TH AVENUE

SW
VERMILLION
DRIVE

(CR. 1183)

106
27.00 AC

100
25.00 AC

3-13



88-15

107
1.26 AC
ICS 1564Q

CANCELLED TAX LOTS
104, 105, 200, 201, 750, 1000 (1-1),
102, 200, 600, 1000, 10, 200, 400,
87, 1000, 400, 400,

SEE MAP
2S | 36C

88-13

BALDOCK

FREWAY

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

800
2.72 AC

900
6.50 AC
TUALATIN

ORCHARD

REFNILL LANE

SEE MAP
3S | 02A8

SEE MAP
3S | 02A

TUALATIN
2S | 35D



First American Title™



02016302201500126860030038

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



15
36

After recording return to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Until further notice, all tax statements should be sent to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Tax Account No. 2S135D0 00100
Ref No. R0560164

True actual consideration paid is \$ 0

BARGAIN AND SALE DEED

Paul Pennington, Janet Pennington Peterson, and Gay Pennington Paschoal, as equal tenants in common, Grantors, do hereby convey unto P3 Properties, LLC, an Oregon limited liability company, Grantee, all of their right, title, and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 2/12/2015

Paul Pennington 2/9/2015
Paul Pennington

Janet Pennington Peterson
Janet Pennington Peterson

Gay Pennington Paschoal
Gay Pennington Paschoal

STATE OF Washington)
County of Klickitat) §

This instrument was acknowledged before me on 2-9-2015, 2014, by Paul Pennington.

DIANE MURPHY
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 16, 2015

Diane Murphy
Notary Public for ~~Oregon~~ Washington

STATE OF OREGON)
County of Benton) §

This instrument was acknowledged before me on 2/12/2015, by Janet Pennington Peterson.

OFFICIAL STAMP
MIRANDA ASHLEY HOWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 933427
MY COMMISSION EXPIRES OCTOBER 28, 2018

Miranda Ashley Howard
Notary Public for Oregon

STATE OF OREGON)
County of Washington) §

This instrument was acknowledged before me on Feb 5, 2015, 2014, by Gay Pennington Paschoal.

OFFICIAL STAMP
THERESA WEAVER
NOTARY PUBLIC - OREGON
COMMISSION NO. 934162
MY COMMISSION EXPIRES DECEMBER 18, 2018

Theresa Weaver
Notary Public for Oregon

EXHIBIT "A"

All interest in 25.18 acres of land, located at S.W. Norwood Ave., Tualatin, Oregon 97062, more particularly described as:

The North half of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon,

EXCEPTING tract conveyed to the State of Oregon, by and through its State Highway Commission, in deed book 325, page 183, as follows: A parcel of land lying in the Northeast quarter of the Southeast quarter of Section 35, T2S, R1W, W.M.; the said parcel being that portion of said Northeast quarter of the Southeast quarter lying Easterly of a line parallel to and 100 feet Westerly of the centerline of the West Portland-Hubbard Highway as said highway has been relocated, which centerline is described as follows:

Beginning at Engineer's centerline Station 349/00, said Station being 115.27 feet North and 78.52 feet East of the East quarter corner of said section 35; thence South 15°49'15" West 1600 feet to Station 365/00; said centerline crossing the East and South lines of said Northeast quarter of the Southeast quarter approximately at Section 351/83 and Station 363/91 respectively;

ALSO EXCEPTING that tract conveyed to the State of Oregon, by and through its State Highway Commission, by deed in book 341, page 233; ALSO EXCEPTING the following described premises: Beginning at an iron bar marking the center of Section 35, T2S, R1W, W.M., Washington County, Oregon; thence South along the West line of the Southeast quarter of said Section 35 to the Southwest corner of tract conveyed to Merle Pennington and Dorthea Pennington by deed of record in book 417 at page 314, Deed Records of Washington County; thence East along the South line of said tract so conveyed 16 rods and 30 feet to a point; thence North parallel to the West line of said Southeast quarter of said Section 35 to the North line of said Southeast quarter of Section 35; thence West along the North line of said Southeast quarter 16 rods and 30 feet to the point of beginning;

ALSO EXCEPTING the following parcels: Parcel conveyed to Shope, described in instrument of record in book 575, page 110, October 13, 1965, Washington County Records; parcel conveyed to School District 88J, described in instrument of record in Book 767, page 495, December 17, 1969, Washington County Records; and parcel conveyed to City of Tualatin described in instrument of record in Book 825, Page 873, 1971, Washington County Records.

Also identified as Washington County Tax Lot 100 on Tax Map 2S135D

Exhibit D: Neighborhood Meeting Notes & Materials

I. Executive Summary

Lennar Northwest, Inc. and Venture Properties, Inc. (Applicants) are submitting this application for a Text Amendment to the Tualatin Development Code (TDC) to allow as a permitted use within the Medium-Low Density Residential (RML) zone of the Basalt Creek Planning Area (BCPA) projects over 15 acres containing single-family detached homes on lots averaging 3,000 square feet. This amendment will create a provision for single-family housing that meets the density requirements adopted within the Basalt Creek Concept Plan for the BCPA without adjusting the target densities for the RML District. The full language of the draft Text Amendment is included in Exhibit B.

This amendment will affect approximately 62 acres comprised of Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002, and Tax Lot 100, currently within unincorporated Washington County but inside the City of Tualatin Urban Growth Boundary (UGB). Tax Lot 100 is zoned Future Development 20-Acre (FD-20) and will be zoned RML upon its annexation to the City of Tualatin. To provide needed housing, the applicants plan to submit residential subdivision applications in the future for these properties.

While the TDC permits only attached housing units of apartments, duplexes, and triplexes, and for-sale townhomes in the RML zone, the allowed density range of 8-10 dwelling units per net acre is ideal for small-lot, single-family development, especially in large developments with varied lots and land uses. The City currently offers a Small Lot Subdivision process through a Conditional Use Permit; however, this process is highly discretionary, is of limited use since it is only permitted for tree preservation (per TDC 35.410.1.b), and the development standards do not allow lot variability.

Lot size averaging throughout a subdivision allows more diversity in lot size and housing style to meet the varied needs of homebuyers and give neighborhoods character. The current Small Lot Subdivision development standards do not allow for lot size averaging and instead require a minimum lot size of 4,500 square feet, effectively preventing developments from meeting the maximum allowed density (at 10 units per acre, lots will average to 4,356 square feet). Further, these standards allow only 45 percent building coverage, do not allow for lot widths under 50 feet or 30 feet on a cul-de-sac bulb, and require greater corner setbacks from both street-facing lot lines of corner lots. Wide lots, as required by the Small Lot Subdivision code, increase lot costs with little benefit for the homebuyer. Small-lot subdivisions also typically require greater building coverage in order to accommodate single-family detached houses.

According to the City's 2019 Housing Needs Analysis (HNA), the City of Tualatin currently provides a healthy mix of single-family and multi-family housing, with a stock of approximately 53 percent single-family detached and 41 percent multi-family units. Notably, the City's HNA demonstrates that the City provides a larger share of multi-family housing than Washington County and the Portland region as a whole and more single-family attached housing than the regional average. Only six percent of housing stock within the City is provided as single-family attached housing. Attached housing has been viewed as a more affordable option for home ownership; however, small-lot detached homes can reach the same price range as attached homes and are in greater demand by the market.

For RML zoning to be effective, a mixture of feasible housing alternatives must be provided. Broadening the RML zone to include small-lot single-family homes will provide a viable medium-density alternative

with lower home prices. Attached housing projects perform better on smaller development sites adjacent to urban services. The two projects planned by the applicants in the BCPA contain approximately 58 acres of RML land which could accommodate 329 to 412 dwelling units at current densities. This scale of townhouse project cannot be found even in light rail districts around the Metro region and the applicant's project areas are not served by walkable services that are desired by attached housing buyers.

The proposed text amendment maintains the existing allowed uses and overall project densities established in the RML zone while allowing for lot-size averaging, opening opportunities for small-lot single-family homes on large project sites, as well as amenities such as shared open space. The proposed amendments contribute to the flexibility and variety of housing available within the City while meeting the city's projected housing density needs and avoiding repeated lots and housing types.

The Text Amendment proposed is consistent with relevant goals and policies within the City of Tualatin's Comprehensive Plan and HNA. The proposal satisfies the applicable approval criteria for Text Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

Instructions for Joining & Participating in the Public Neighborhood Meeting for the Basalt Creek Text Amendment

Virtual Meeting provided via Zoom Webinar

Wednesday, June 10, 2020 at 6:00 PM PST

Please Register in Advance

(a list of attendees must be submitted to the City):

- Go to www.aks-eng.com/basalt-creek/ and follow the link to register.
- Complete the online registration form.
- You will receive a confirmation email containing a link to join the Zoom webinar at the scheduled time as well as additional instructions.
- Meeting materials will be available at www.aks-eng.com/basalt-creek/ two days prior to the meeting and at least 10 days after the meeting concludes.

How to Join the Meeting:

Join by computer, tablet, or smartphone

- This is the preferred method as it allows you to see the Presenter's materials on screen.
- Click on the "Click Here to Join" link provided in your registration confirmation email.
- (If you registered at www.aks-eng.com/basalt-creek/ but did not receive a confirmation email, please check your junk/spam folder before contacting the Meeting Administrator.)
- You may be prompted to "download and run Zoom" or to install the App (ZOOM cloud meetings). Follow the prompts or bypass this process by clicking "join from your browser".
- You should automatically be connected to the virtual neighborhood meeting.

Join by telephone

- Dial any of the toll-free Zoom numbers below to connect to the neighborhood meeting:

+1-669-900-6833	+1-346-248-7799
+1-929-205-6099	+1-253-215-8782
+1-301-715-8592	+1-312-626-6799

- If you experience trouble connecting, please pick another number and try again.
- After dialing in, enter this Zoom ID when prompted: **846 1305 9620**
- The Password if needed is: **6151**

MEETING ADMINISTRATOR:

For technical assistance or to submit a question for the meeting:

Email mimid@aks-eng.com

During the Meeting

Audio Help

- Meeting attendees will be muted throughout the presentation. This will allow everyone to hear the presentation clearly without added distractions.
- Make sure that the speakers on your device are turned on and not muted.
- If you do not have speakers on your computer, you can join by phone (using the “Join by telephone” instructions) to hear the presentation while watching the presentation on your computer monitor.

Questions & Answers

Your questions are important to us. There will be time reserved during the meeting to take questions, using one of the submission options below. Our presentation team will make their best effort to answer all question(s) during the meeting.

Prior to the Meeting:

- You can Email your question(s) in advance to the Meeting Administrator.
Email mimid@aks-eng.com

During the Meeting:

- **Preferred Method:** Use the “Q&A” button on the bottom of the presentation screen to submit a question in real time.
- Email your question to the Meeting Administrator:
Email mimid@aks-eng.com

After the Meeting:

- We will continue to take questions after the meeting has ended. Please submit your question(s) to the Meeting Administrator:
Email mimid@aks-eng.com
- All questions received after the meeting and prior to midnight on June 2, 2020 will be answered in an email to all registered meeting participants by end of business the following day.

Helpful Hints/Troubleshooting

We want to start on time! Please join the meeting 5-10 minutes prior to the 6:00 PM start time to ensure successful connection.

- You do not need a Zoom account to join the meeting.
- You will need a valid email address at the time of registration to receive the confirmation email and link to join the webinar or receive answers to any questions submitted after the meeting.
- For first-time Zoom users, we recommend downloading and installing the Zoom App well in advance, by clicking on the “Click Here to Join” link in your confirmation email.
- For technical assistance, please contact the Meeting Administrator (contact above).
- If you have difficulties connecting by computer, tablet, or smartphone, we suggest disconnecting and instead use the “Join by telephone” instructions to listen in.

Potentially Affected Properties



TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

**Table 41-2
Housing Types in the RML Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C/P	Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410. Permitted within the Basalt Creek Planning Area subject to TDC 41.330.
Accessory Dwelling Unit	P	Subject to TDC 34.600.
Duplex		
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

TDC 41.300. - Development Standards.

Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

**Table 41-3
Development Standards in the RML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two.

• Development on More than One Acre	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Townhouse (or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.

MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

TDC 41.330. - Development Standards.

Development standards for Household Living Uses in the RML zone within the Basalt Creek Planning Area are listed in Table 41-4. The standards of TDC 41.330 apply to RML-zoned properties within the Basalt Creek Planning Area with project sites which are greater than 15 acres in size. Additional standards may apply to some uses and situations, see TDC 41.310.

**Table 41-4
Development Standards in the RML Zone within the Basalt Creek Planning Area**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	
Townhouse (or Rowhouse)	14 feet	
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		
• building	10 feet	
• garage	20 feet	
Side Setback	5 feet	Where living spaces face a side yard, the minimum setback must be ten feet
Rear Setback	10 feet	
Street side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	
Townhouse (or Rowhouse)	90%	

The meeting
will start
shortly...

Visit

If you haven't already, please visit www.aks-eng.com/basalt-creek to register for this event.

Call

If you are having audio difficulties, please call +1-253-215-8782

Zoom ID **846 1305 9620**, Password **6151**

OR one of the telephone numbers listed on the Virtual Meeting Instructions sheet at the above website.

Submit

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator. Questions will be answered after the presentation.

During the Question/Answer period, you can also **“Raise Your Hand”** to be called on to provide your questions and comments.

Basalt Creek Text Amendment Neighborhood Meeting

Wednesday, June 10, 2020



**12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151**

Introductions

Applicants

Lennar Northwest, Inc.

Michael Anders, Director of Land Acquisition
David Force, Forward Planning Manager

Venture Properties, Inc.

Kelly Ritz, President
Al Jeck, Project Manager

Land Use and Civil Engineering

AKS Engineering and Forestry

Mimi Doukas, AICP, RLA
Glen Southerland, AICP

Property Owners

P3 Properties, LLC
Autumn Sunrise, LLC



VentureProperties
INCORPORATED



6/8/2020

What is being proposed?

The Applicants are proposing a change to the City of Tualatin's Development Code to allow detached housing.

- Addition of single-family detached housing as an allowed use in the Residential Medium-Low (RML) District
 - Only in the Basalt Creek Planning Area in the RML zone
 - Only for project sites 15 acres or larger
- Addition of development standards for properties in the Basalt Creek Planning Area
 - Average lot sizing
 - Setback and lot coverage changes for small lots
- **No density changes have been proposed**



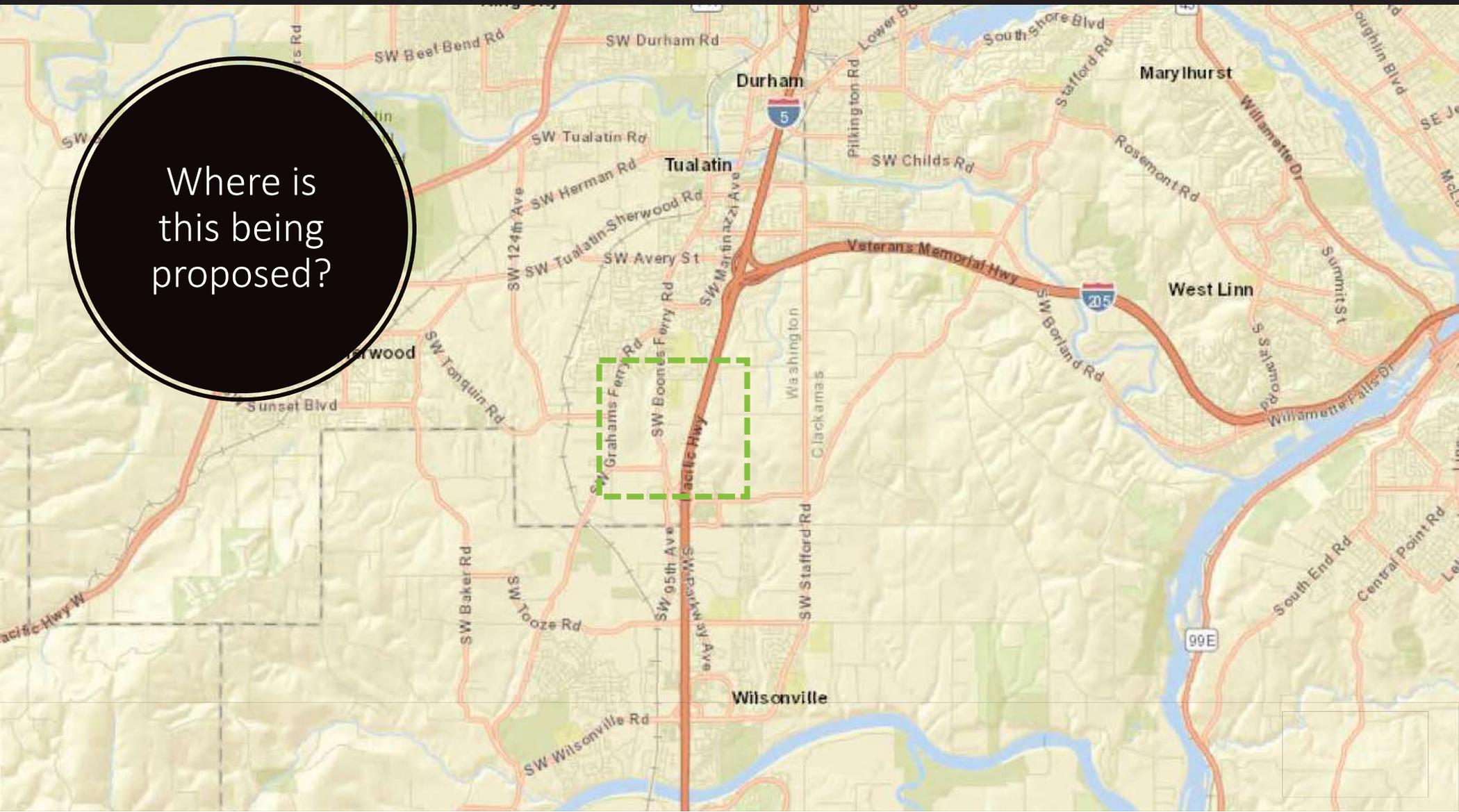
Why is this being proposed?

The existing code doesn't work for these situations, locations, or housing types.

- Only duplexes, triplexes, townhomes and apartments currently permitted
- Location, project size, and required densities do not work for 100% attached housing/apartments
 - Single-family detached is a better fit for these sites
 - Lot size averaging allows for more housing variety
- Small-Lot Subdivision standards don't work with current code
 - Doesn't match required densities
 - Doesn't allow for lot size averaging
 - Doesn't allow for higher lot coverage
- **No density changes have been proposed**

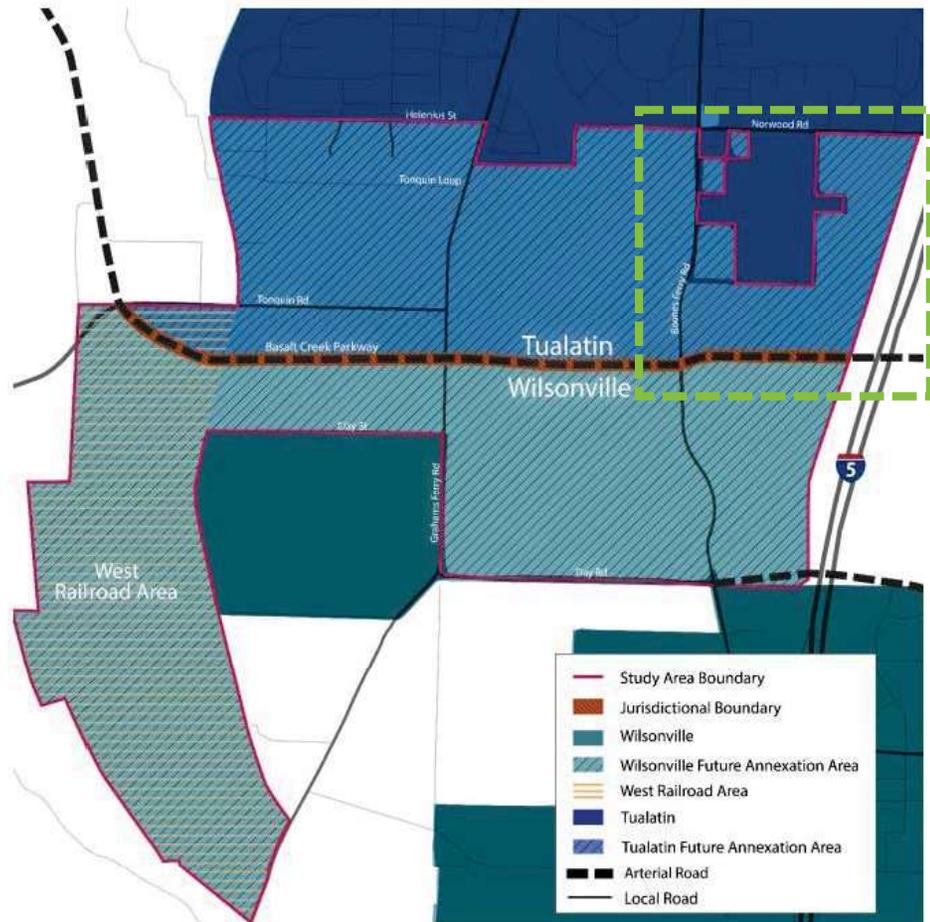


Where is this being proposed?

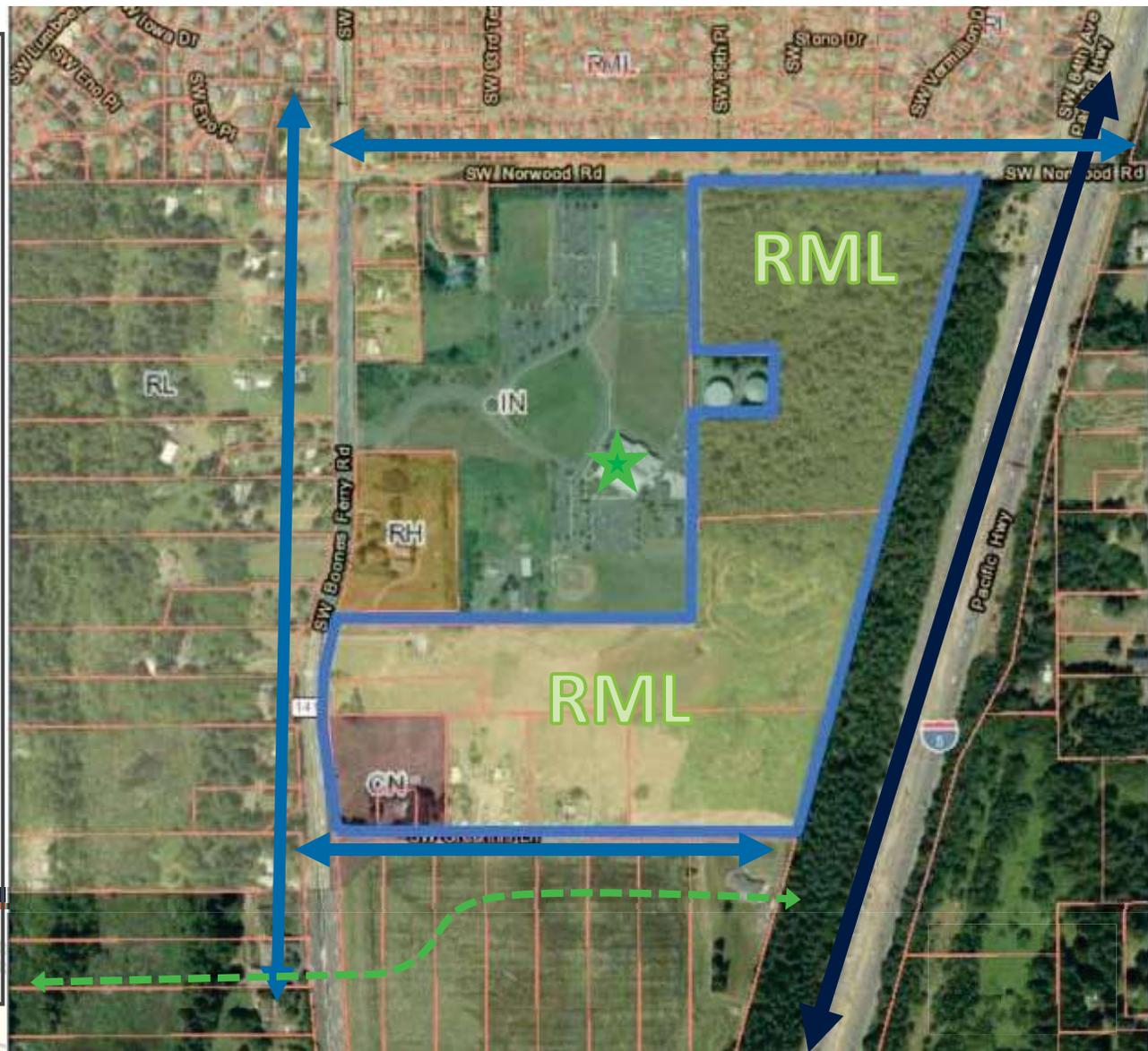


Basalt Creek Planning Area

Figure 1 Basalt Creek Planning Area and jurisdictional boundaries.



Basalt Creek Planning Area





6/8/2020



What does this mean?

The Applicants are proposing a change to the City of Tualatin's Development Code.

- Addition of single-family detached homes as a permitted housing type
- Addition of development standards for properties in the Basalt Creek Planning Area
 - Standards only applied to Plexes/Multi-family currently
 - Lot size averaging
 - Reasonable lot coverage
- **Housing density is not proposed to change**
- **Similar development to surrounding neighborhoods**



What's in store for this site?

After the Text Amendment decision, the Applicants will submit land use applications for subdivisions.



More Choices in Housing Type

**Table 41-2
Housing Types in the RML Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C/P	Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410. Permitted within the Basalt Creek Planning Area subject to TDC 41.330.
Accessory Dwelling Unit	P	Subject to TDC 34.600.
Duplex		
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

TDC 41.300. - Development Standards.

Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

Housing That Fits the Needs of the Area

Table 41-3
Development Standards in the RML Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
<ul style="list-style-type: none"> Development on Less than One Acre 	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two.
<ul style="list-style-type: none"> Development on More than One Acre 	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Townhouse (or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.

Housing That Fits the Needs of the Area

MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.

MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

Housing That Fits the Needs of the Area

TDC 41.330. - Development Standards.

Development standards for Household Living Uses in the RML zone within the Basalt Creek Planning Area are listed in Table 41-4. The standards of TDC 41.330 apply to RML-zoned properties within the Basalt Creek Planning Area with project sites which are greater than 15 acres in size. Additional standards may apply to some uses and situations, see TDC 41.310.

**Table 41-4
Development Standards in the RML Zone within the Basalt Creek Planning Area**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	10 units per acre	
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	
Townhouse (or Rowhouse)	14 feet	
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		
• building	10 feet	
• garage	20 feet	
Side Setback	5 feet	
Rear Setback	10 feet	
Street side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	
Townhouse (or Rowhouse)	90%	

The Process



Questions Received So Far

Q:

A:



Questions?

Mimi Doukas, AICP, RLA
AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97068
MimiD@aks-eng.com
(503) 563-6151

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator.

Press **“Raise Your Hand”** to be called on to provide your questions and comments.

Housing That Fits the Needs of the Area

- (b) *RML Zone*. In the RML zone, small lot subdivisions must comply with the following:
- (i) Small lots must be no less than 4,500 square feet;
 - (ii) Maximum building coverage must not exceed 45 percent;
 - (iii) Minimum lot width must be at least 30 feet. Lots that have frontage on a public street must have a minimum lot width of 50 feet or 30 feet for lots on a cul-de-sac bulb. For flag lots, the minimum lot width at the street must be sufficient to comply with at least the minimum access requirements contained in TDC [73C](#);
 - (iv) Front yard setback must be a minimum of 20 feet to the garage and 12 feet to the house;
 - (v) Side yard setback must be a minimum of five feet;
 - (vi) On corner lots, the setback for yards adjacent to streets must be a minimum of 20 feet to the garage and 12 feet to the house in the yard where a driveway provides access to a street other than an alley and must be a minimum of 12 feet in the yard where no driveway access exists; and
 - (vii) Rear yard setback must be a minimum of 15 feet.

6/15/2020



BEND, OR
2777 NW Lolo Drive, Suite 150
Bend, OR 97703
(541) 317-8429
www.aks-eng.com

KEIZER, OR
3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

TUALATIN, OR
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

VANCOUVER, WA
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
(360) 882-0419

Date: 6/16/2020
To: City of Tualatin Planning Department
From: Mimi Doukas, AICP, RLA – AKS Engineering & Forestry, LLC
Project Name: PTA 20-0003 – Basalt Creek Text Amendment
AKS Job No.: 7454
Subject: Basalt Creek Text Amendment Neighborhood/Developer Meeting Notes

Neighborhood/Developer Meeting Date/Time: June 10, 2020, 6:00 P.M.

Meeting started at 6:00 P.M. Presentation began at 6:05 P.M.

Mimi Doukas gave an overview of the project and then took questions.

Questions/Comments accepted verbally from neighbors, in text from meeting chat, and prior to meeting by email.

Attendee Question/Comment Summary

Attendee Verbal Question/Comments

- Tom Knudsen:** Are there any zero-clearance lot lines planned?
Mimi Doukas: No, application is for detached homes with 5-foot side setbacks.
- Jordan Fox Inhofe:** Concerned as an outdoor educator about impacts on area environment and what measures will be taken to prevent environmental impacts.
Mimi Doukas: The Basalt Creek Plan inventoried and mapped natural resource areas for protection. Clean Water Service standards will protect any defined resources.
Jordan Cox Inhofe: Have any confederated tribes been notified of this application?
Mimi Doukas: Not for this kind of application.
- Charles Pitt:** Can you provide a percentage of single-family/townhomes/apartments that will be built?
Mimi Doukas: The developers would like to construct just single-family detached housing.
- Katie Stimson:** Where can I find the traffic impact analysis for Basalt Creek?
Mimi Doukas: That can be found within the 20-year plan for the area, the Basalt Creek Concept Plan. For each subdivision application, a build out study will be prepared, but those analyses have not been created yet.
- Grace Lucini:** Is Lennar Homes the developer for the Autumn Sunrise site? What is the anticipated date for the hearing by the Council or other public hearings?
Mimi Doukas: Yes. Not yet, once the application is deemed complete there will be a better sense of timing.
Grace Lucini: Do you provide a notice to interested persons?
Mimi Doukas: If you received notice of this meeting tonight, you should receive a letter from them notifying you of when the hearing will be. The City has a procedure for informing neighbors. You will see a similar sign on the site for that meeting.

Grace Lucini: Many neighbors of the site are not residents of the City. Is there a process for involvement other than the CIO?

Mimi Doukas: There is not a residency requirement for participating in a public hearing. Any interested party can participate.

6. **Randy Welborn:** Who is responsible for paying for any needed traffic improvements?

Mimi Doukas: That is the responsibility of the developer. They would create the impact and be responsible for the mitigation.

Randy Welborn: Are the trees being removed along the I-5 corridor? Will there be a buffer of trees for a sound barrier?

Mimi Doukas: The trees in the ODOT right-of-way will remain. The requirements for building infrastructure and making sure that the lots are stable make it extremely difficult to preserve trees. We need to make sure that preserved trees are safe and take that seriously, but it is hard to save trees and do it in a safe way. Norwood will need to be widened, so there will be impacts to the roadway as well.

Randy Welborn: Will both sides of the roadway be widened?

Mimi Doukas: We are not sure at this point.

7. **Tom Knudsen:** It would be nice to have signs located where people can park and read them.

Mimi Doukas: There are City requirements for posting locations and number.

8. **Jordan Cox Inhofe:** Would like more information about the tree removal to be noted in future applications.

Mimi Doukas: The tree removal will be noted as part of the subdivision application.

9. **Grace Lucini:** What are the on-street parking impacts of smaller lots?

Mimi Doukas: It should be pretty similar to surrounding neighborhoods, with half a stall provided by one lot and half a stall provided by the neighboring lot.

10. **Charles Pitt:** Will this development be similar to Villebois with small lots and alleys behind?

Mimi Doukas: This will have small lots, but there is no plan to provide alleyways. The goal is to provide a variety of lot sizes with a minimum average of 3,000 square feet.

11. **Randy Welborn:** Are any green spaces planned?

Mimi Doukas: The City doesn't require parks be provided and no addition of a requirement is proposed.

Randy Welborn: Where will animals go when construction starts?

Mimi Doukas: They will relocate with tree removal and earthmoving.

Attendee Chat Questions

12. **Roderick French:** How many acres are in each RML parcel?

Glen Southerland: There are eight lots affected by the application: Lot 100 is 23.93 acres; Lots 500 and 501, which are included as part of the future projects, but zoned Neighborhood Commercial and not affected by the text amendment, are 4.17 acres; and the Autumn Sunrise RML properties are 33.86 acres.

13. **Daniel Callen:** How much more traffic is expected on Norwood Road going east?

Mimi Doukas: No development is proposed with this text amendment. For this proposal, there is no change in traffic because there is no change in density. When the subdivision application comes in, there will be a traffic analysis completed.

14. **Cynthia Rey:** What will be happening with the large trees on Norwood?

Mimi Doukas: This was answered earlier.

15. **Tabitha Boschetti:** Provided contact information. Please contact the City if you have any questions.

16. **Daniel Callen:** Where can we learn about upcoming changes to Norwood Road?

Mimi Doukas: The traffic study will be completed with the subdivision application and that will determine what changes will be needed.

17. **Cynthia Rey:** The trees will be removed instead of using less space for homes?

Mimi Doukas: Without meeting density standards inside cities, the UGBs will need to be expanded. The priority for habitat protection is within riparian corridors.

Emailed Questions & Comments

18. **Grace Lucini:** Suggested skipping her emailed question because the questions had already been answered. Tabitha agreed.

Mimi Doukas: Our contact information is on the screen or you can contact the City if you have any additional questions.

19. **Jo Aust Email:** Will you be leaving a buffer of trees between the development and Norwood and the development and the Interstate?

Mimi Doukas: This was answered earlier.

20. **John Lucini Email:** Has there been a stormwater plan developed?

Mimi Doukas: Because the density is not changing, the impacts of stormwater should be similar. Stormwater plans will be submitted with a future subdivision application.

John Lucini Email: What are the plans to address access and increased traffic?

Mimi Doukas: The density is not proposed to change, but this question has been addressed previously.

Materials presented during the meeting and other informational items were uploaded to www.aks-eng.com/basalt-creek greater than two days prior to the Neighborhood/Developer Meeting. These materials will be available on the project website for at least 10 days following the Neighborhood/Developer Meeting.



Exhibit E: Affidavits of Mailing & Posting



AFFIDAVIT OF MAILING NOTICE

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Mitchell Godwin being first duly sworn, depose and say:

That on the 27 day of May, 2020, I served upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Mitchell Godwin
Signature

SUBSCRIBED AND SWORN to before me this 29th day of May, 2020.



[Signature]
Notary Public for Oregon
My commission expires: April 20, 2024

RE: _____

CERTIFICATION OF SIGN POSTING

<p>NOTICE</p> <p>NEIGHBORHOOD / DEVELOPER MEETING</p> <p><u>6/10/2010 6:00 p.m.</u></p> <p><u>aks-eng.com/basalt-creek</u></p> <hr/> <p><u>503-563-6151</u></p>

In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. A PowerPoint template of this sign is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the SW Norwood Rd + Autumn Creek project, I hereby certify that on this day, May 27 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Mitchell Godwin
(Please Print)

Applicant's Signature: Mitch Godwin

Date: 5/29/20

Exhibit F: Public Notice Information

May 27, 2020

**RE: Neighborhood Review Meeting
Basalt Creek Text Amendment**



Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a neighborhood meeting regarding a proposed amendment to the Tualatin Development Code (TDC). The amendment, submitted by Lennar Northwest, Inc. and Venture Properties, Inc., proposes amendments to the Medium-Low Density Residential (RML) zone of the Basalt Creek Planning Area (BCPA) when part of projects over 15 acres in size. The proposed amendments would add single-family detached homes as a permitted use within the RML zone on large projects, and allow lot size averaging. This amendment will not change the allowable density for the zone. The potential sites are shown on the map included with this letter. Land use applications for physical development will be filed at a future date.

Per the City's instructions, we would like to discuss the project in more detail with you. Due to social distancing measures and the inability to meet in person, this meeting will be held via telephone and online Zoom "webinar". The City of Tualatin Planning Department approves of this means of holding the required neighborhood meeting.

The meeting is scheduled for:

WEDNESDAY, JUNE 10, 2020 AT 6:00 PM
SEE ATTACHED INSTRUCTIONS TO LEARN HOW TO JOIN THE MEETING

The purpose of this meeting is to provide a forum for surrounding property owners and residents to review the project so that issues can be identified and considered before the formal application is submitted. This meeting gives you the opportunity to share any special information you know about the property involved. We will try to answer questions related to how the project meets relevant development standards consistent with Tualatin's land use regulations.

Please note that this will be an informational meeting based on the currently proposed code text amendment. You may receive an official notice from the City of Tualatin of your opportunity to participate either by submitting written comments, and/or attending a public hearing in the future.

I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at (503) 563-6151 or email me at mimid@aks-eng.com.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink that reads 'Mimi Doukas'.

Mimi Doukas, AICP, RLA – Associate
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 | www.aks-eng.com | MimiD@aks-eng.com

Attachments: City Vicinity Map
Instructions for Joining & Participating in the Public Neighborhood Meeting

Potentially Affected Properties



Instructions for Joining & Participating in the Public Neighborhood Meeting for the Basalt Creek Text Amendment

Virtual Meeting provided via Zoom Webinar

Wednesday, June 10, 2020 at 6:00 PM PST

Please Register in Advance

(a list of attendees must be submitted to the City):

- Go to www.aks-eng.com/basalt-creek/ and follow the link to register.
- Complete the online registration form.
- You will receive a confirmation email containing a link to join the Zoom webinar at the scheduled time as well as additional instructions.
- Meeting materials will be available at www.aks-eng.com/basalt-creek/ two days prior to the meeting and at least 10 days after the meeting concludes.

How to Join the Meeting:

Join by computer, tablet, or smartphone

- This is the preferred method as it allows you to see the Presenter's materials on screen.
- Click on the "Click Here to Join" link provided in your registration confirmation email.
- (If you registered at www.aks-eng.com/basalt-creek/ but did not receive a confirmation email, please check your junk/spam folder before contacting the Meeting Administrator.)
- You may be prompted to "download and run Zoom" or to install the App (ZOOM cloud meetings). Follow the prompts or bypass this process by clicking "join from your browser".
- You should automatically be connected to the virtual neighborhood meeting.

Join by telephone

- Dial any of the toll-free Zoom numbers below to connect to the neighborhood meeting:

+1-669-900-6833	+1-346-248-7799
+1-929-205-6099	+1-253-215-8782
+1-301-715-8592	+1-312-626-6799

- If you experience trouble connecting, please pick another number and try again.
- After dialing in, enter this Zoom ID when prompted: **846 1305 9620**
- The Password if needed is: **6151**

MEETING ADMINISTRATOR:

For technical assistance or to submit a question for the meeting:

Email mimid@aks-eng.com

During the Meeting

Audio Help

- Meeting attendees will be muted throughout the presentation. This will allow everyone to hear the presentation clearly without added distractions.
- Make sure that the speakers on your device are turned on and not muted.
- If you do not have speakers on your computer, you can join by phone (using the “Join by telephone” instructions) to hear the presentation while watching the presentation on your computer monitor.

Questions & Answers

Your questions are important to us. There will be time reserved during the meeting to take questions, using one of the submission options below. Our presentation team will make their best effort to answer all question(s) during the meeting.

Prior to the Meeting:

- You can Email your question(s) in advance to the Meeting Administrator.
Email mimid@aks-eng.com

During the Meeting:

- **Preferred Method:** Use the “Q&A” button on the bottom of the presentation screen to submit a question in real time.
- Email your question to the Meeting Administrator:
Email mimid@aks-eng.com

After the Meeting:

- We will continue to take questions after the meeting has ended. Please submit your question(s) to the Meeting Administrator:
Email mimid@aks-eng.com
- All questions received after the meeting and prior to midnight on June 2, 2020 will be answered in an email to all registered meeting participants by end of business the following day.

Helpful Hints/Troubleshooting

We want to start on time! Please join the meeting 5-10 minutes prior to the 6:00 PM start time to ensure successful connection.

- You do not need a Zoom account to join the meeting.
- You will need a valid email address at the time of registration to receive the confirmation email and link to join the webinar or receive answers to any questions submitted after the meeting.
- For first-time Zoom users, we recommend downloading and installing the Zoom App well in advance, by clicking on the “Click Here to Join” link in your confirmation email.
- For technical assistance, please contact the Meeting Administrator (contact above).
- If you have difficulties connecting by computer, tablet, or smartphone, we suggest disconnecting and instead use the “Join by telephone” instructions to listen in.